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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

REYES CONTRERAS MURCIA and
SHERMAN A. PERRYMAN, individually
and as class representatives,

Plaintiff,

vs.

CITY OF SANTA MONICA, et al.,

Defendants.

Case No. 2:22-cv-5253-FLA-
MAR

**NOTICE OF
CONDITIONAL
SETTLEMENT; REQUEST
TO SUSPEND LITIGATION
PENDING APPROVAL OF
SETTLEMENT BY CITY OF
SANTA MONICA**

TO THE HON. FERNANDO L. AENLLE-ROCHA, UNITED STATES DISTRICT
JUDGE:

WHEREAS the parties have been engaged in settlement discussions which
included a settlement conference before Mediator Richard Copeland;

WHEREAS on February 28, 2024, the parties agreed upon a tentative and
conditional class-based settlement that, while subject to City Council approval, if
approved, will dispose of this litigation in its entirety;

WHEREAS the tentative and conditional settlement includes a certification of a
F.R.C.P. 23(b)(3) damages class for settlement purposes only and consists of vehicle
owners whose vehicles the City of Santa Monica impounded under the authority of Cal.

1 Veh. Code § 14602.6 for the class period set forth in the Second Amended Complaint;

2 WHEREAS in light of the tentative and conditional settlement Plaintiffs are
3 withdrawing their pending motion for class certification (ECF 51 filed August 18,
4 2023);

5 WHEREAS approval by the City Council of the City of Santa Monica must be
6 obtained before the settlement agreement can be finalized and the settlement presented
7 to the Court for its review and approval;

8 WHEREAS it is anticipated that the matter will go before the Santa Monica City
9 Council on March 19, 2024; and at such time the Santa Monica City Attorney's Office
10 will recommend approval;

11 WHEREAS if there is City Council approval, Plaintiffs, thereafter, will file the
12 appropriate motions for preliminary and final approval for class certification based on
13 a settlement, along with a motion awarding Plaintiffs attorneys' fees as per the terms of
14 the settlement agreement;

15 NOW THEREFORE the parties request that the Court vacate all pretrial, trial and
16 related dates, allow Plaintiffs to withdraw their motion for class certification, and set a
17 date at least 90 days hence for the filing of either (a) Motion for Preliminary Approval
18 of Proposed Class Action Settlement, or (b) a joint report on why such motion has not
19 been filed.

20 [Signature of counsel on following page]

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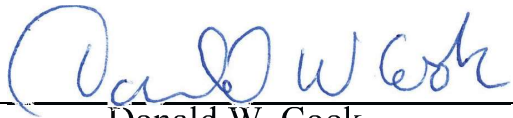
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1 DATED: March 1, 2024

2 **DONALD W. COOK**
3 Attorney for Plaintiffs

4 By 
5 Donald W. Cook

6 DATED: March 1, 2024

7 **CAROL M. SILBERBERG**
8 **JOSHUA C. STOKES**
9 BERRY SILBERBERG STOKES PC

10 **DOUGLAS SLOAN**, City Attorney
11 **SUSAN Y. COLA**, Assistant City Attorney
12 **IVAN O. CAMPBELL**, Deputy City Attorney
13 **MICHELLE M. HUGARD**, Deputy City Attorney
14 Attorneys for Defendants

15 s/ Carol M. Silberberg

16 By _____
17 Carol M. Silberberg

18 Pursuant to L.R. 5-4.3.4, the filer of this document attests that all other signatories
19 listed and on whose behalf the filing is submitted, concur in the filing' s content and
20 have authorized the filing.
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